

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV353-MU

WATER OUT DRYING CORP.,

Plaintiff,

vs.

ROSS ALLEN and WATEROUT
FLASHING,

Defendants.

ORDER

This matter is before the court upon Plaintiff's Second Motion to Compel. Plaintiff took the deposition of Defendant Ross Allen on November 15, 2006. Defendant Allen is proceeding *pro se*. During the deposition, Allen was asked what facts he had to support Defendants' various counterclaims and defenses. Defendant Allen's response to virtually every factual inquiry was "I don't have an answer for that right now." Allen's responses, or lack thereof, prevented Plaintiff from obtaining information it is clearly entitled to under the Rules governing discovery. Defendant Allen has not filed a response to Plaintiff's Motion to Compel.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel is hereby GRANTED. Plaintiff is granted leave to retake Defendant Allen's deposition at Allen's expense. Defendant Allen is ordered to appear for a second deposition and provide responsive answers to Plaintiff's questions.

Signed: March 21, 2007



Graham C. Mullen
United States District Judge

